

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)	
)	
PATRICK K. DOAN,)	CASE NO. 06-62644 JPK
)	Chapter 7
Debtor.)	
*****)	
DAVID R. DUBOIS, TRUSTEE,)	
Plaintiff,)	
v.)	ADVERSARY NO. 07-2069
PATRICK K. DOAN,)	
Defendant.)	

ORDER VACATING JUDGMENT

This adversary proceeding was initiated by a complaint filed on July 3, 2007. The title of the complaint (**COMPLAINT TO REVOKE DISCHARGE**) connotes that its subject is, and that the relief requested by the complaint is, revocation of the defendant's discharge pursuant to 11 U.S.C. § 727(d)(2) and/or (d)(3). On August 31, 2007, the plaintiff filed a Motion for Default Judgment, and a proposed form of Judgment entitled "**DEFAULT JUDGMENT REVOKING DISCHARGE.**" The Court, mistakenly relying on the plaintiff's review of the record, took the plaintiff at his word that a discharge had been granted in case number 06-62644, and entered the relief sought by the complaint by means of the plaintiff's tendered form of judgment.

On September 18, 2007, the Clerk's office received a call from the plaintiff's office, the subject matter of which was to query why a default judgment revoking discharge had been entered when in fact a discharge had never been entered in case number 06-62644. Well, the foregoing paragraph explains why: the Court took it for granted that the plaintiff had requested the appropriate form of relief. Oops.

Having reviewed the record, the Court finds that the judgment entered on September 11, 2007 provides relief to the plaintiff to which he is not entitled, and that said judgment should be vacated.

IT IS ORDERED that the judgment entered on September 11, 2007 is Vacated.

IT IS FURTHER ORDERED that a hearing will be held on **October 19, 2007, at 10:00 A.M.** to determine the course of further proceedings in this adversary proceeding, i.e., whether the case should be dismissed or the plaintiff should be provided with an opportunity to amend the complaint.

Dated at Hammond, Indiana on October 3, 2007.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

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